

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Andres L. Glenn,
Plaintiff,
vs.
Gunaj Ron,
Defendant.

Civil Action No. 3:20-cv-946-CMC

ORDER

This matter is before the court on Plaintiff's Complaint pursuant to 42 U.S.C. § 1983 filed March 5, 2020. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings. On March 9, 2020, the Magistrate Judge entered two orders, citing deficiencies in Plaintiff's Complaint and allowing an opportunity for amendment and directing Plaintiff to provide proper service documents. ECF Nos. 8, 9. Plaintiff filed a response, consisting of the blank complaint form sent to him with no entries or narrative. ECF No. 11. On March 17, 2020, the Magistrate Judge issued a Report and Recommendation ("Report") recommending this matter be summarily dismissed with prejudice, as Plaintiff had been given an opportunity to amend but failed to do so. ECF No. 13. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. In response, Plaintiff filed a cover sheet with no substantive response, and a copy of the Report. ECF No. 19.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection

is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff’s filings, the court agrees with the Report’s recommendation the case be dismissed. Plaintiff has been given an opportunity to amend his Complaint after the Magistrate Judge identified the deficiencies therein, but was unable to state a viable claim for relief under §1983, as he has not identified a statutory or constitutional right he feels was violated and has failed to comply with the Federal Rules of Civil Procedure regarding his Complaint. He has also failed to allege sufficient grounds to invoke the court’s subject matter jurisdiction. Even though he was put on notice of these deficiencies, he failed to file an Amended Complaint to correct them, or to address them in objections to the Report. Accordingly, the court adopts the Report by reference in this Order. This matter is hereby dismissed with prejudice.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 13, 2020